



Report Committee of Adjustment

Filing Date: June 6, 2023

Hearing Date: July 11, 2023

File: A-2023-0184

**Owner/
Applicant:** Tajeshwar Singh and Punam Verma

Address: 46 Young Garden Crescent

Ward: 4

Contact: Megan Fernandes, Planning Technician

Recommendations:

That application A-2023-0184 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
 2. That the fence remain constructed in its current location and height and shall not be removed or lowered;
 3. That drainage on adjacent properties should not be adversely affected; and
 4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

Existing Zoning:

The property is zoned 'Residential Single Detached E – Special Section 2468 (R1E-11.6-2468)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit three (3) accessory structures (shed, pergola and gazebo) having a combined gross floor area of 40.72 sq.m (438.31 sq. ft) whereas the by-law permits two (2) accessory structures having a maximum combined gross floor area of 20 sq.m (215.28 sq. ft);
2. To permit an accessory structure having a height of 3.15m (10.33 ft.) whereas the by-law permits a maximum building height of 3.0m (9.84 ft.);
3. To permit an accessory structure to be located in an exterior side yard whereas the by-law does not permit an accessory structure to be located in the exterior side yard;
4. To permit an accessory structure having a gross floor area of 18.05 sq.m (194.29 sq.ft.) whereas the by-law permits a maximum gross floor area of 15 sq.m (161.46 sq.ft) for an individual accessory structure.

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The subject lands are designated as 'Residential' in the Official Plan and 'Low Density 2' in the Creditvalley Secondary Plan (Area 45). The requested variances have no impact within the context of the policies of the Official Plan and Secondary Plan, and maintains the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

Variance 1 is requested to permit three (3) accessory structures (shed, pergola and gazebo) having a combined gross floor area of 40.72 sq.m (438.31 sq. ft) whereas the by-law permits two (2) accessory structures having a maximum combined gross floor area of 20 sq.m (215.28 sq. ft). Variance 4 is requested to permit an accessory structure having a gross floor area of 18.05 sq.m (194.29 sq.ft.) whereas the by-law permits a maximum gross floor area of 15 sq.m (161.46 sq.ft) for an individual accessory structure. The intent of the by-law in regulating the number of accessory structures, the maximum permitted gross floor area of an accessory structure and the combined gross floor area for accessory structures is to ensure that the property is not dominated by the structure and that the size of the structures do not negatively impact the provision of outdoor amenity space for the property.

The proposed accessory structures (shed, pergola and gazebo) are intended to enhance the provision of outdoor amenity space in the rear yard and to provide for enclosed storage. The proposed gazebo is 3.05 sq. m (32.83 sq. ft.) larger than what the by-law permits. While the applicant is requesting a combined gross floor area for accessory structures that is 20.72 sq. m (233.03 sq. ft.) greater than what the by-law permits, the design and nature of the accessory structures are not anticipated to generate a sense that the property is dominated by accessory structures. Given the size of the property, the two accessory structures are not considered to negatively impact the provision of outdoor amenity space for the property. Variances 1 and 4 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit an accessory structure having a height of 3.15m (10.33 ft.) whereas the by-law permits a maximum building height of 3.0m (9.84 ft.). The intent of the by-law in regulating the permitting height of an accessory structure is to ensure that the structure does not have negative massing impacts on adjacent properties.

The variance is seeking an additional 0.15m (2.13 ft.) for the accessory structure which is not anticipated to have negative massing or visual impacts. The accessory structure is located on the northwestern corner of the property which abuts Elmcrest Park. The location of the structure relative to the property and surrounding site context ensures that the increase in height will not generate adverse impacts as it maintains minimum setbacks. The variance does not cause any adverse impacts related to privacy and shadowing and is therefore considered to maintain the general intent and purpose of the Zoning Bylaw.

Variance 3 is requested to permit an accessory structure to be located in an exterior side yard whereas the by-law does not permit an accessory structure to be located in the exterior side yard. The intent of the by-law in prohibiting accessory structures to be located in an exterior side yard is to ensure that the appearance of the structure does not negatively impact the overall streetscape.

In the case of the subject property, it is a corner lot which creates a situation whereby a large portion of the exterior side yard is the functional amenity area of the property and has been fenced in. The fence completely screens the accessory structure from view of the street. A condition of approval is recommended that the fence remain constructed in its current location and height and shall not be removed or lowered to ensure the screening remains in place. Subject to the recommended conditions of approval, Variance 3 is considered to maintain the

3. Desirable for the Appropriate Development of the Land

The variances are requested to permit three (3) proposed accessory structures on the property: shed, pergola and gazebo. The structures subject to the variance are currently existing on the property and contribute positively to the use of the outdoor amenity space, while serving the primary residential function of the property. A condition of approval is recommended that drainage from the accessory structures shall be Subject to the recommended conditions, the proposed variance is desirable for the appropriate development of the land.

4. Minor in Nature

The subject property is a corner lot located within a residential area with average lot sizes. Considering the size and conditions of the property, the existing accessory structure is not anticipated to detract outdoor amenity space or create adverse impacts on-site or off-site. The location and scale of the accessory structure in relation to the surrounding land context does not generate privacy or shadowing impacts. The gazebo enhances the use of outdoor amenity space and is intended to remain accessory to the primary residential dwelling. Subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician

Appendix A – Site Visit



